

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

ALICE A. WILLIAMS,

Plaintiff,

v.

CIVIL ACTION NO. 1:09-0697

AMBER L. NELSON, Warden,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on June 6, 2012, in which he recommended that the district court grant the United States' "Motion to Dismiss Defendants Warden Amber Nelson, Neal Rehberg, D.O., Dana Renick, PA-C, Alice Lowe and James Allen Blankenship and Substitute the United States" (Doc. No. 20); grant the United States' "Motion to Dismiss for Failure to State a Claim" (Doc. No. 23); grant the United States' "Motion to Dismiss James Blankenship and/or for Summary Judgment" (Doc. No. 29); grant "Defendants Nelson, Lowe, Rehberg, and Renick's Motion to Dismiss and/or for Summary Judgment" (Doc. No. 31); dismiss plaintiff's complaint; and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. As well, plaintiff was granted two further extensions of time to file her objections, until August 20, 2012. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the requisite time period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby:

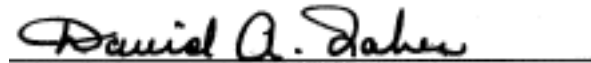
1. **GRANTS** the United States' "Motion to Dismiss Defendants Warden Amber Nelson, Neal Rehberg, D.O., Dana Renick, PA-C, Alice Lowe and James Allen Blankenship and Substitute the United States" (Doc. No. 20);
2. **GRANTS** the United States' "Motion to Dismiss for Failure to State a Claim" (Doc. No. 23);
3. **GRANTS** the United States' "Motion to Dismiss James Blankenship and/or for Summary Judgment" (Doc. No. 29);

4. **GRANTS** "Defendants Nelson, Lowe, Rehberg, and Renick's Motion to Dismiss and/or for Summary Judgment" (Doc. No. 31);
5. **DISMISSES** plaintiff's complaint; and
6. **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further further directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 28th day of August, 2012.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge